

A. CLASSIFICATION OF SUBJECT MATTER

INV. A61B5/00 G01B11/24 G01B9/02 G06T3/40

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

A61B G06T G01N G02B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, INSPEC

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 01/27679 A (CELLAVISION AB [SE]; HEYDEN ANDERS [SE]; HAAKANSSON JOHAN [SE]; WALLIN) 19 April 2001 (2001-04-19) page 10, line 8 - line 21	1-21
X	US 6 396 941 B1 (BACUS JAMES W [US] ET AL) 28 May 2002 (2002-05-28) the whole document	1-21
X	WO 03/046636 A1 (GEN HOSPITAL CORP [US]; TEARNEY GUILLERMO J [US]; BOUMA BRETT E [US];) 5 June 2003 (2003-06-05) page 8, line 4 - line 8	1-21
X	US 2005/018201 A1 (DE BOER JOHANNES F [US] ET AL) 27 January 2005 (2005-01-27) paragraph [0101]	1-21

☐ Further documents are listed in the continuation of Box C.☒ See patent family annex.

* Special categories of cited documents:

A document defining the general state of the art which is not considered to be of particular relevance

E earlier document but published on or after the international filing date

L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

O document referring to an oral disclosure, use, exhibition or other means

P document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

& document member of the same patent family

Date of the actual completion of the international search

15 February 2007

Date of mailing of the international search report

28/02/2007

Name and mailing address of the ISA/

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Piouzenec, Loïg

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2006/038277

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 0127679	A	19-04-2001	AU 1182401 A	23-04-2001
US 6396941	B1	28-05-2002	NONE	
WO 03046636	A1	05-06-2003	AU 2002351184 A1	10-06-2003
			EP 1461654 A1	29-09-2004
			JP 2005510323 T	21-04-2005
US 2005018201	A1	27-01-2005	NONE	

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2006/038277

International filing date (day/month/year)
29.09.2006

Priority date (day/month/year)
29.09.2005

International Patent Classification (IPC) or both national classification and IPC
INV. A61B5/00 G01B11/24 G01B9/02 G06T3/40

Applicant
GENERAL HOSPITAL CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaag 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Date of completion of
this opinion

See form
PCT/ISA/210

Authorized Officer

Plouzennec, Loïg

Telephone No. +31 70 340-2390



Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in electronic form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-21
Inventive step (IS)	Yes: Claims	
	No: Claims	1-21
Industrial applicability (IA)	Yes: Claims	1-21
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

1- Reference is made to the following documents:

D1 : WO 01/27679 A (CELLAVISION AB [SE]; HEYDEN ANDERS [SE]; HAAKANSSON JOHAN [SE]; WALLIN) 19 April 2001 (2001-04-19)

2- INDEPENDENT CLAIM 1

2.1- The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

The scope of claim 1 covers the mode of operation of an optical apparatus such as a microscope (see D1) having, as an interface with the user, a display coupled to an image processing unit which allows for zooming.

3- INDEPENDENT CLAIMS 20, 21

For the same reasons mentioned above, mutatis mutandis, claims 20 and 21 are not new (Article 33(2) PCT).

4- DEPENDENT CLAIMS 2-19

Dependent claims 2-19 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).